

SOLON PLANNING & ZONING COMMISSION
October 13, 2020 – 7:15 P.M.

The Planning Commission met at City Hall on the above date.*

Present*: Commission Members Greenspan, Mazur, Newberry, Councilman Bentley, Mayor Kraus, Assistant Law Director Stolarsky, Planning Director Frankland, Secretary Letourneau

Absent: None

Also Present*: Support Service Analyst Walker, Assistant City Engineer Lyndon, Inspector Eisenhuth, Councilman Zelwin

*Due to the COVID-19 health crisis all those present appeared via video connection.

NOTES OF CAUCUS DISCUSSION:

(Secretary's note: Agenda items not mentioned under Notes of Caucus Discussion are items that were not pertinently discussed during Caucus.)

Councilman Bentley presided.

Due to the COVID-19 health emergency, the general public was not permitted to attend, however, were invited to phone-in to provide comments.

PENDING:

1. 38140 Windy Hill Lane – Christopher M. Whinney - side yard setback and accessory structure area variance: Correspondence was received from the applicant requesting the application be withdrawn.
2. 33200 Miles Road – Joseph and Anthony Vitali - front yard setback and side yard setback variances: Mr. Andrew Kalnitsky, Gold Key Builders LLC, was present representing the applicant.

Councilman Bentley asked Mr. Kalnitsky if he understood the requirements of the Engineering Department memo dated October 6, 2020.

Mr. Kalnitsky said it was discussed with the Engineering Department.

NEW:

6. 6448 Creekside Trail – Timothy Prins - side yard setback variance and driveway material variance: Mr. Timothy Prins was present and explained he received signatures from his neighbors supporting the request.

Mr. Mazur questioned why the applicant prefers to use gravel rather than concrete pavers. Mr. Prins said he prefers the accessory parking area to be temporary while his children are in school and pavers will require more labor. He said he will use weed barrier, gravel and landscaping timbers and will remove the gravel area when his children move out of the home.

Mr. Mazur questioned what would happen if the house is sold before the gravel is removed. Mr. Stolarsky said the variance runs with the land, therefore, the variance granted will be in effect.

Councilman Bentley believes the application could be approved as a temporary driveway.

The caucus ended at 7:28 P.M. and the meeting began at 7:31 P.M.

CHANGES TO THE AGENDA:

There were no changes to the agenda.

COMMENTS FROM THE AUDIENCE REGARDING AGENDA ITEMS:

There were no comments regarding agenda items.

MINUTES:

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the minutes of the September 29, 2020 meeting as presented.

Roll Call: Aye: Bentley, Greenspan, Kraus, Mazur, Newberry
Nay: None

Motion Carried

PENDING:

- | | | | |
|----|--|----------|---|
| 1. | 38140 Windy Hill Lane – Christopher M. Whinney | 049-2020 | 3 |
| | ▪ 9' 6" side yard setback variance | | |
| | ▪ 121 sq ft accessory structure area variance | | |

Mr. Christopher Whinney was present and explained he resubmitted his permit application in compliance with the Code. Therefore, he requested to withdraw his variance application.

Motion by Mr. Newberry, seconded by Mr. Greenspan to accept the applicant's withdrawal of Item 1.

Roll Call: Aye: Bentley, Greenspan, Kraus, Mazur, Newberry
Nay: None

Motion Carried

- | | | | |
|----|--|----------|---|
| 2. | 33200 Miles Road – Joseph and Anthony Vitali | 050-2020 | 4 |
| | ▪ 50' front yard setback variance | | |
| | ▪ 5' side yard setback variance | | |

Mr. Andrew Kalnitsky, Gold Key Builders, LLC, 32653 Jefferson Drive, was present representing the applicant.

Mr. Kalnitsky explained the revised site plan to build a house with a front setback of 150' which requires a 50' front setback variance. He said after discussion with the Engineering Department, it was determined that it would be beneficial to shift placement of the house to the east by 5' to aid in drainage of the property. Therefore, a 5' side yard setback is requested.

Mr. Newberry believes the revised site plan is an improvement from the previously submitted plan and provides privacy on both sides.

Motion by Mayor Kraus, seconded by Mr. Mazur to approve a 50' front yard setback variance.

Roll Call: Aye: Bentley, Greenspan, Kraus, Mazur, Newberry
Nay: None Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 5' side yard setback variance.

Roll Call: Aye: Bentley, Greenspan, Kraus, Mazur, Newberry
Nay: None Motion Carried

NEW:

- | | | | |
|----|---|----------|---|
| 3. | 35890 Pettibone Road – Constance M. Macik | 054-2020 | 1 |
| | <ul style="list-style-type: none"> ▪ 108 sq ft detached garage area variance ▪ Detached garage location variance ▪ 3' 6" front yard setback variance ▪ 3' 10" detached garage height variance | | |

Mr. John Adams, Liberty Construction, was present representing the applicant and Ms. Constance Macik was present.

Ms. Macik explained the proposed plan to build a detached three-car garage with attic space. She said the current two-car garage does not provide sufficient storage and her plan is to eventually convert the two-car garage to living space.

Councilman Bentley said he visited the site and the proposed garage will mostly be screened from the street.

Mr. Newberry finds the proposed location for the garage the only appropriate location on the property.

Motion by Mayor Kraus, seconded by Mr. Mazur to approve a 108 sq ft detached garage area variance.

Roll Call: Aye: Bentley, Greenspan, Kraus, Mazur, Newberry
Nay: None Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a detached garage location variance.

Roll Call: Aye: Bentley, Greenspan, Kraus, Mazur, Newberry
Nay: None

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Greenspan to approve a 3' 6" front yard setback variance.

Roll Call: Aye: Bentley, Greenspan, Kraus, Mazur, Newberry
Nay: None

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 3' 10" detached garage height variance.

Roll Call: Aye: Bentley, Greenspan, Kraus, Mazur, Newberry
Nay: None

Motion Carried

4. 35600 Bainbridge Road – Kevin Dearth
▪ 100 sq ft accessory pavement area variance

055-2020

6

Mr. Kevin Dearth was present.

Councilman Bentley explained the request for accessory pavement is for additional parking.

Mr. Dearth explained the request is for 400 square feet of accessory pavement and noted 300 square feet is required by Code. He advised front and side setback requirements will be met. Mr. Dearth said the driveway is approximately 80 feet and the concrete pad will be 20'. The additional pavement is requested to safely exit the driveway onto Bainbridge Road, particularly during peak traffic times and in the winter.

Mr. Stolarsky asked Mr. Dearth if he accepts the requirements as outlined in the Engineering Department's memo.

Mr. Dearth said yes and advised as drawn, the proposed location will not interfere with the obstruction in the front lawn.

Mr. Stolarsky questioned if Mr. Dearth will work with the Engineering Department to satisfy the conditions if necessary.

Mr. Dearth said yes.

Mr. Newberry said there is also concern that a water line may exist near an area where a septic tank was formerly located.

Mr. Lyndon indicated there may be utilities under the proposed location for the accessory pavement. He said when a contractor applies for a permit, they will be made aware of possible utilities to ensure no damage is caused when digging. He added that if a future issue occurs, the concrete pad will need to be removed to correct the issue.

Mr. Dearth indicated he is aware of the requirement.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 100 sq ft accessory pavement area variance contingent upon compliance with the Engineering Department memo dated October 6, 2020.

Roll Call: Aye: Bentley, Greenspan, Kraus, Mazur, Newberry
Nay: None

Motion Carried

5. 6762 Edgemoor Avenue - Scott and Heather Banchek 056-2020 7
- 6' rear yard setback variance

Mr. Scott Banchek and Mrs. Heather Banchek were present. Mr. Banchek explained the proposed plan to remove a 15' x 30' existing patio and replace it with a 12' x 34' patio with a 10' radius off of one area, which will require a rear yard setback variance. Mr. Banchek said they would like a larger patio to increase space and it will be partially covered.

Mayor Kraus said the applicant indicated in their letter that drainage issues exist in the rear yard and the patio installation may help alleviate the drainage issues.

Mr. Mazur said the applicant's letter indicates an existing 11' x 11' patio will be removed from the middle of the yard.

Motion by Mayor Kraus, seconded by Mr. Mazur to approve a 6' rear yard setback variance.

Roll Call: Aye: Bentley, Greenspan, Kraus, Mazur, Newberry
Nay: None

Motion Carried

6. 6448 Creekside Trail – Timothy Prins 057-2020 3
- 3' 10" side yard setback variance
 - Driveway material variance

Mr. Timothy Prins was present and explained the request to install a temporary gravel parking area with landscaping timbers and weed barrier to accommodate four drivers at the residence. Mr. Prins said the temporary parking area will be removed when his children move out.

Councilman Bentley said correspondence was received from several neighbors indicating their support.

Mr. Newberry asked if the driveway is shared with the neighbor. Mr. Prins said no and that a divider exists.

Mr. Mazur asked if the applicant would consider brick or pavers to serve as a temporary parking area to avoid a driveway material variance.

Mr. Prins advised he was not experienced with laying brick or pavers and preferred gravel to avoid tree roots and provide easier maintenance.

Mr. Mazur questioned how a variance could be approved on a temporary basis should the property be sold.

Mr. Stolarsky said limitations can be placed on a variance as a variance runs with the land.

Mr. Mazur supports the setback variance but not the driveway material variance.

Councilman Zelwin spoke with the applicant and the neighbor whose driveway abuts the applicant's driveway and noted the neighbor supports the request. He asked Mr. Frankland if there are environmental benefits of using gravel versus a more impervious surface such as pavers and have similar temporary variances been approved in the past.

Mr. Frankland recalled similar variances were approved in the industrial and commercial areas with time limits of one to four years. Mr. Frankland said using gravel instead of pavers is an aesthetics issue, however, gravel will provide better drainage. He said it would not be unprecedented if a time limit for use of the gravel is determined.

Mr. Greenspan said the area is diagonal and not square. Mr. Prins agreed and explained the measurements of the area. He believes the gravel will not be visible from the street.

Mr. Greenspan believes approval was given earlier in the year for an entire gravel driveway.

Mr. Newberry asked Mr. Prins what time limit would be considered reasonable. Mr. Prins said he requested a three to seven year range and said five years is realistic.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve a 3' 10" side yard setback variance.

Roll Call: Aye: Bentley, Greenspan, Kraus, Mazur, Newberry
Nay: None

Motion Carried

Motion by Mr. Greenspan, seconded by Mr. Newberry to approve a driveway material variance contingent upon the applicant agreeing to a five-year time limit for the gravel.

Roll Call: Aye: Bentley, Greenspan, Kraus, Mazur, Newberry
Nay: None

Motion Carried

7. 6686 Glenallen Avenue – James Bertolone
▪ 3' side yard setback variance

058-2020

7

Mr. James Bertolone was present and explained the request to install a generator on the side of the house which requires a 3' side yard setback variance.

Motion by Mayor Kraus, seconded by Mr. Mazur to approve a 3' side yard setback variance

Roll Call: Aye: Bentley, Greenspan, Kraus, Mazur, Newberry
Nay: None Motion Carried

8. 30865 Solon Road – Rose Bonsignore 059-2020 6
 ▪ 20' accessory pavement front yard setback variance

Ms. Rose Bonsignore was present and explained the request for accessory pavement to safely exit the driveway onto Solon Road.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve a 20' accessory pavement front yard setback variance.

Roll Call: Aye: Bentley, Greenspan, Kraus, Mazur, Newberry
Nay: None Motion Carried

COUNCIL REFERRAL:

9. Proposed amendment to Section 1288.04(3)(d) entitled "Non-Commercial Opinion Signs" of the Zoning Code

Councilman Bentley said this item was referred to the Law Department for further research. It was discussed that possible outside legal assistance might be requested.

Councilman Bentley said a Code similar to Solon's was previously challenged in the courts.

Mr. Stolarsky agreed and advised the goal is to create language to withstand a legal challenge.

Mayor Kraus said other communities are reviewing their Codes as well. He explained it is necessary the Code can be legally enforced.

Motion by Mr. Newberry, seconded by Mr. Mazur to table consideration of Item 7.

Roll Call: Aye: Bentley, Greenspan, Kraus, Mazur, Newberry
Nay: None Motion Carried

COMMENTS FROM THE AUDIENCE:

There were no phone-in comments.

COMMENTS FROM THE COMMISSION:

Mr. Newberry reminded residents that the polls are open at the Board of Elections. He encouraged everyone to vote.

Ms. Letourneau questioned the status of the November 24th Planning Commission meeting. Mr. Newberry suggested the meeting status be reconsidered after the November 9th deadline for Planning Commission applications.

For notification purposes, Ms. Letourneau questioned if Planning Commission meetings will continue to be held remotely now that City Hall has re-opened. It was the consensus of the Planning Commission members to continue to hold meetings remotely until the end of the year and then reassess. Councilman Bentley believes the Commission is still conducting City business efficiently.

Councilman Bentley encouraged everyone to vote.

Councilman Bentley said Planning Commission meetings will continue to be held remotely, however, if there is a need for a special presentation, an in-person meeting can be scheduled.

Mayor Kraus said the Fall Market was held on Saturday, November 10th. He commended the Recreation Department and Solon Center for the Arts for their efforts. He said it was an enjoyable event and was held safely with masks and social distancing.

Mayor Kraus congratulated the Solon Schools for ranking number one in the state again this year.

Mayor Kraus believes remote Planning Commission meetings have been effectively held. He believes the applicants are supportive of the process and appreciate attending meetings from home.

Motion by Mr. Newberry, seconded by Mr. Mazur to adjourn the meeting at 8:22 P.M.

Roll Call: Aye: Bentley, Greenspan, Kraus, Mazur, Newberry
Nay: None

Motion Carried

Chairman

Secretary